

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSH 2003-15
)	
DIRECTOR, DEPARTMENT OF LABOR)	ORDER NO. 62
AND INDUSTRIAL RELATIONS,)	
)	PRETRIAL ORDER
Complainant,)	
)	
vs.)	
)	
UNITED PARCEL SERVICE (UPS),)	
)	
Respondent.)	

PRETRIAL ORDER

Pursuant to the representations of counsel for the parties at the initial conference held on August 21, 2003, IT IS HEREBY ORDERED THAT:

1. The trial in this matter is bifurcated to permit a ruling on jurisdictional issues prior to the hearing addressing the merits of the citation at issue.
2. The jurisdictional issues to be determined are:
 - a. Whether a purported settlement agreement was properly executed?
 - b. Whether any settlement agreement constituted a waiver of any timely notice of contest?
3. A hearing on the jurisdictional issues is scheduled on November 17, 2003 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
4. Discovery deadlines with respect to the jurisdictional issues are established as follows:
 - a. Live witness identification September 22, 2003
 - b. Discovery cut-off October 21, 2003

5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, August 27, 2003.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the conference date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

Herbert B.K. Lau, Deputy Attorney General
Baruch A. Fellner, Esq.